

### **REMARKS**

Applicants respectfully request the Office to enter the above-proposed amendments to the specification and allowed claims 20, 23, 24, and 25 prior to issuance. The proposed amendments to the specification and claims are purely formal in nature and thus, do not introduce new matter.

Applicants propose to amend the specification to add information concerning prior applications. Applicants did not present the proposed amendment to the specification prior to the issuance of the Notice of Allowance because Applicants only realized during a post-allowance review of the application that the specification lacked a Cross-Reference to Related Applications section.

Applicants propose to amend allowed claims 20, 23, 24, and 25 to independent form out of an abundance of caution in view of the recent decision of the Court of Appeals for the Federal Circuit in *Pfizer Inc. v. Ranbaxy Laboratories Ltd.*, 79 U.S.P.Q.2d 1583 (Fed. Cir. 2006). In this case, the court held that a dependent claim was invalid for failing to comply with 35 U.S.C. § 112, fourth paragraph, because the dependent claim did not further limit the subject matter of the claim that it depended from. Applicants expressly state for the record that their proposed amendments to allowed claims 20, 23, 24, and 25 are not, and should not be considered as, an admission by Applicants that any one or more of these allowed claims fails to comply with 35 U.S.C. § 112, fourth paragraph. Applicants note that the Examiner allowed claims 20, 23, 24, and 25 and thus, had determined that each of these claims is patentable and in compliance with the relevant patent statutes including, but not limited to, 35 U.S.C. § 112, fourth paragraph.

Following Applicants' proposed amendments, claims 20, 23, 24, and 25 are identical in scope to allowed claims 20, 23, 24, and 25, respectively. Therefore, the proposed amendments to allowed claims 20, 23, 24, and 25 require no additional search or examination. Furthermore, each of proposed amended claims 20, 23, 24, and 25 is patentable because each of these claims is identical in scope to its allowed version, which the Office determined is patentable.

Applicants did not present the proposed amendments to claims 20, 23, 24, and 25 prior to the issuance of the Notice of Allowance because, at the time Applicants submitted the original version of these claims, Applicants were unaware of the Federal Circuit's decision in *Pfizer Inc. v. Ranbaxy Laboratories Ltd.* It was only during a review of the allowed claims following the issuance of the Notice of Allowance when Applicants realized that the Federal Circuit's decision in *Pfizer Inc. v. Ranbaxy Laboratories Ltd.* might have an impact on claims 20, 23, 24, and 25.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional fees or extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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